

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE  
PAROLE DIVISION**



**POLICY AND OPERATING  
PROCEDURE**

**NUMBER: PD/POP-4.1.3**

**DATE: 01/08/13**

**PAGE: 1 of 7**

**SUPERSEDES: 07/26/00**

**SUBJECT:** PROCESSING VIOLATIONS OF RELEASE AFTER HOURS

**AUTHORITY:** TEXAS GOVERNMENT CODE ANN. § 508.251, 508.252, 508.315, 508.317

**PURPOSE:** To provide instructions to Warrants Section Program Specialists for processing an offender's violation of the conditions of placement in a residential or secured facility, Electronic Monitoring (EM) and Global Positioning Satellite (GPS) monitoring, extraneous to normal business hours.

**PROCEDURES:**

**I. GROUND FOR WARRANT ISSUANCE**

A. A Parole Division warrant may be issued under the following conditions:

1. There is reason to believe the offender has been released, although not eligible for release;
2. The offender has been arrested for an offense;
3. There is a self-authenticating document stating that the offender violated a rule or condition of release; or
4. There is evidence that the person has exhibited behavior that indicates the person poses a danger to society.

B. Issuance of Warrant or Summons

Prior to issuing a warrant, the offender's release date, discharge date and identifiers are to be obtained from the Offender Information Management System (OIMS). If the information does not match the information provided by the agent of the facility, vendor, parole officer, or is otherwise unavailable, the program specialist shall make a diligent effort to contact the facility or vendor as necessary to verify offender identity.

II. SUPER-INTENSIVE SUPERVISION PROGRAM - OFFENDERS RELEASED TO A PRIVATE RESIDENCE

- A. Upon release from the Correctional Institutions Division (CID) to a Super-Intensive Supervision Program (SISP) caseload, the institutional parole officer or Huntsville Placement and Release Unit (HPRU) shall notify the Warrants Section via Lotus Notes email. Notification shall include the transmitter serial number, date of release, time of departure, departure location, residence plan, telephone number of residence and the expected date and time of arrival.
- B. The Warrants Section shall review the Global Positioning Satellite (GPS) no more than two hours after the estimated time of arrival at the residence, to determine if the offender has arrived and is present at the residence. If the program specialist acquires additional information about travel arrival time, then the program specialist shall adjust the expected arrival time. The program specialist shall document the circumstances that would allow additional arrival time.
- C. Within two (2) hours after the estimated time of arrival or revised estimated time of arrival, and after making a diligent effort to determine that the offender is not present at the residence, has been released from CID, and no reasonable and verified reason for the delay exists, the program specialist shall issue a warrant, notify the vendor and notify the appropriate chain of command via email. The supervising officer shall investigate the alert notification the next business day to determine if cancellation or continuation of the warrant issuance decision is the best course of action.
- D. If the offender is not enrolled in the GPS database, Client Enrollment Software (PCE), the program specialist shall attempt to contact the offender at least two times, or upon conclusion of a verified delay. If the program specialist is unable to contact the offender, the program specialist shall issue a warrant, document an entry in Case Management Notes of the PCE, and notify the appropriate chain of command via email.

### III. PROCESSING ELECTRONIC MONITORING SYSTEM OFFENDERS RELEASED TO A RESIDENCE

- A. Upon release from CID to an Electronic Monitoring Program (EM) caseload, the institutional parole officer of the Huntsville Placement & Release Unit (HPRU) shall notify the Warrants Section via Lotus Notes email. Notification shall include the transmitter serial number, date of release, time of departure, departure location, residence plan, and the expected date and time of arrival.
- B. Within four (4) hours after the estimated time of arrival or revised time of arrival, and after making a diligent effort to determine that the offender is not present at the residence, has been released from CID, and no reasonable and verified reason for the delay exists, the program specialist shall notify the appropriate distribution via email.
- C. If the offender is not enrolled, not being monitored, and the program specialist is unable to contact the offender, the program specialist shall issue a warrant and notify the appropriate distribution via email.

### IV. ELECTRONIC MONITORING SYSTEM ALERTS

- A. Participant Not Present at Start of Curfew: Indicates that the offender is not at a designated location at the time established (i.e., did not return after curfew).
- B. Leave During Curfew: Indicates that the offender is not at a designated location at a designated time (i.e., left during curfew).
- C. Band Open: Indicates that the monitoring equipment has been altered. Issue a warrant immediately.
- D. Home Monitoring Report Overdue: Indicates a pre-scheduled call from the HMU was not received.

### V. PROCESSING ELECTRONIC MONITORING SYSTEM ALERTS

The program specialist shall monitor by designated means for alert notifications and by checking for violation alerts no less than every fifteen (15) minutes. If the proper jurisdiction and identity is established, the program specialist shall process EM alerts as follows:

- A. Upon receipt, verify the validity of the alert by checking the offender's schedule, calling the offender's residence, or contacting the vendor if needed. If after further investigation, the program specialist is unable to make contact with the offender and the alert has not cleared, the program specialist shall issue a warrant, document warrant issuance in the EM vendor's system, and notify appropriate distribution via email.

- B. The program specialist shall issue a warrant immediately, upon receipt of a **Band Open** alert.

## VI. CONTRACT OR SECURED FACILITY VIOLATIONS

Facility violation reviews are received in the Command Center via fax or email.

**NOTE:** If the facility violation report is emailed, it should be sent to [warrant.command@tdcj.state.tx.us](mailto:warrant.command@tdcj.state.tx.us).

- A. The facility shall submit a written violation report to the Command Center of the Warrant Section via fax or email. The program specialist shall check the facsimile machine no less than every fifteen (15) minutes.
- B. There are five (5) types of facility violations for which the program specialist are responsible for reviewing:
  - 1. Facility Violation
  - 2. Law Violation
  - 3. Failure to Arrive\*
  - 4. Unauthorized Departure
  - 5. Curfew Violation\*

**\*NOTE:** Curfew shall be extended for four (4) hours. SISP or sex offenders are to be reviewed upon receipt.

- C. The facility report shall include the following information:
  - 1. Name of the reporting facility
  - 2. Name and title of the reporting staff member
  - 3. Telephone and facsimile numbers of the facility
  - 4. Name and TDCJ/SID number of the offender
  - 5. Identifiers, including sex, race and date of birth (DOB), etc
  - 6. Instant offense
  - 7. Narrative explanation of the violation, including date and time of the violation
  - 8. Documentation of agencies/institutions contacted in an attempt to locate offender
  - 9. Verification of offender's release
  - 10. The specialized caseload, if applicable. SISP and Sex Offender cases are to be reviewed immediately upon receipt

- D. Upon receipt, the program specialist shall:
1. Review the document to determine if the report meets the warrant issuance criteria in PD/POP 4.1.1, *Processing Violations of the Rules and Conditions of Release*, or, at minimum, there is reason to believe a violation has occurred.
  2. If the request does not meet the warrant request criteria, the warrant shall not be issued and the program specialist shall indicate on the facility report the reason for not issuing the warrant.
- E. If a warrant is issued, the program specialist shall notify the supervising officer and unit supervisor of the decision via email or fax and notify the facility of the decision via fax or telephonically.
- F. In accordance with PD/POP-4.2.2, *Warrant Closure/Return to Supervision*, a warrant may be closed if it is issued for a curfew violation, upon further investigation and authorization by the facility or parole officer.

## VI. GLOBAL POSITIONING SATELLITE ALERTS

### Schedule Violations:

- A. Home Curfew Violation: Indicates a curfew violation. The offender does not have his MTD docked at its curfew time. The offender has either left his residence during curfew or did not return at the start of his curfew.
- B. Inclusion Zone: The offender is not at a designated location at the designated time.
- C. Exclusion Zone: Indicates that the offender has entered an area that has been restricted (HOT ZONE).
- D. Bracelet Gone: Indicates that the offender has moved out of the range of the MTD.
- E. Bracelet Strap: Indicates that the bracelet has been removed or compromised.
- F. Base Unit Unable to Connect: Indicates an offender's base unit has not called in for over six (6) hours.
- G. Passive MTD Unable to Connect: Indicates an offender's MTD has not reported in for over 24 hours.
- H. Active MTD Unable to Connect: Indicates an offender's MTD has not reported in for over two (2) hours.

- I. Active Motion No GPS: Indicates that the MTD is moving, but the signal to the GPS is obstructed.
- J. Active Bracelet Battery: Indicates that the transmitter battery is low and the transmitter must be replaced within three (3) days upon receipt.
- K. Active Base Unit Battery: Indicates the base unit battery is low and needs to be recharged.
- L. Active MTD Battery: Indicates the MTD battery is low and needs to be recharged.
- M. Active MTD Tamper: Indicates that the MTD has been compromised.

## VII. PROCESSING GLOBAL POSITIONING SATELLITE ALERTS

The program specialist shall monitor, by designated means, for alert notifications and by checking for violation alerts at least every fifteen (15) minutes. If the proper jurisdiction and identity is established, the program specialist shall process GPS alerts (A, B, D, F, G, H, I, J K, L, M) as follows:

- A. Upon receipt, verify the validity of the alert by checking the offender's schedule, calling the offender's residence, or contact the vendor if needed. If after further investigation, the program specialist is unable to make contact with the offender and the alert has not cleared, the program specialist shall issue a warrant, document warrant issuance in the GPS vendor's system, and notify the appropriate distribution via email.
- B. The program specialist shall process the following GPS alerts:
  - 1. Bracelet Strap – Active and Passive GPS – issue warrant immediately.
  - 2. Exclusion Zone – Active – a warrant shall be issued if the alert does not clear within 10 minutes.

## VIII. PROCESSING THE ISSUANCE OF A WARRANT ON ACTIVE GPS OFFENDERS

- A. Once the program specialist determines a warrant is necessary, the program specialist shall make attempts to contact the respective Assistant Region Director (ARD) assigned to the region where the offender resides. The ARD should be allowed 15 minutes to call back. If there is no response, the program specialist shall contact the respective Region Director (RD). The RD should be allowed 15 minutes to call back. If there is no response from the RD, the program specialist shall contact the Deputy Director of Field Operations (DD). The DD should be allowed 15 minutes to call back. If there is no response from the DD, the program specialist shall contact the Division Director.

- B. Complete the warrant issuance to include the following steps:
1. Instruct TLETS to notify local law enforcement via a teletype region administrative message that a warrant has been issued on an active offender.
  2. An email is automatically sent upon warrant issuance to the following distributions:
    - a. Director of Parole Division
    - b. Deputy Director, Field Operations and Support Operations
    - c. Appropriate Region Director, and appropriate Assistant Region Director
    - d. Warrant Section Director
    - e. Assistant Warrant Section Director
    - f. Warrants Senior Analyst, Program Supervisor III

---

Stuart Jenkins  
Director, Parole Division